

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-17254 - APPLICANT/OWNER: TOUSA HOMES, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (ZON-17250) and Variance (VAR-17253, if approved).
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/02/06, except as amended by conditions herein.
4. The standards for this development shall include a Minimum lot size of 18,004 square feet and Building height shall not exceed two stories or 29.5 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 25 feet to the front of the house, 20 feet if on a cul-de-sac, as measured from back of sidewalk or from back of curb if no sidewalk is provided, five feet on the side, ten feet on the corner side, and 30 feet in the rear.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

9. Air conditioning units shall not be mounted on rooftops.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
13. Fifty percent of the homes shall be one story and fifty percent shall be two story.
14. Minimum 24 inch box trees spaced at 20 feet on center shall be placed within a five foot wide landscape easement provided along the north and west property line.

Public Works

15. The Final Map for this site shall be labeled as a "Merger and Re-subdivision".
16. The private entry street shall not be gated.
17. A Homeowners' Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All private improvements and landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-17250 and all other applicable site-related actions.
19. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
20. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposed development is for a six-lot single-family residential subdivision. The site would be accessed by a cul-de-sac off Jo Marcy Drive. The project requires a variance to allow a Residential Planned Development on less than five acres. This Variance (VAR-17253) is not supported as this is considered a self-imposed hardship. The proposed development standards more closely match that of higher density development rather than the R-E (Residence Estates) District that is currently in place on the site. The rezoning would permit six lots where three lots would be typical of adjacent development. Due to the deviations from standards and smaller lot sizes than the adjacent property, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/21/06	This item and companion items for a Rezoning (ZON-17250) and a Variance (VAR-17253) were held in abeyance at the request of the applicant.
01/25/07	The Planning Commission recommended approval of companion items ZON-17250 and VAR-17253 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #30/ng).
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this development.	
<i>Pre-Application Meeting</i>	
09/15/06	A pre-application meeting was held. It was noted that the parcel ending in 006 is located in the Rural Preservation Overlay District Buffer. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.58
Net Acres	2.84

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single-family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single-family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single-family Residential	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre)
West	Single-family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
R-PD (Residential Planned Development) District	X		N
Trails		X	Y
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Per Title 19.06 the following Development Standards apply:

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	18,004 SF
Min. Lot Width	73.43 Feet
Min. Setbacks (standard-lot) <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	25 Feet 5 Feet 10 Feet 30 Feet
Min. Setbacks (cul-de-sac) <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 Feet 5 Feet 10 Feet 30 Feet
Min. Distance Between Buildings	10 Feet
Max. Building Height	29.5 Feet

<i>Residential Adjacency Standards</i>
Residential Adjacency requirements do not apply to the proposed development.

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-E (Residence Estates)	2 units per Acre	Eight (Six units are proposed)	R-PD2 (Residential Planned Development – Two Units per Acre)	2.49 Units per Acre	DR (Desert Rural Density Residential)	2.49 Units per Acre

<i>Open Space</i>
Residential Planned Developments with less than 12 lots are not required to provide open space. The proposed development will have a total of six lots and is not required to provide open space.

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>
The project is required to provide a minimum of two parking spaces per dwelling unit. Each unit is proposed to have a minimum of a two car garage, while most units include a three car garage. This meets Title 19.10 parking requirements.

ANALYSIS

The proposed development would consist of six lots. The smallest lot is 18,004 square feet. The largest lot is 19,406 square feet. The current R-E (Residence Estates) zone permits a minimum lot size of 20,000 square feet; however, lot sizes in the area are over 40,000 square feet. Three lots would fit onto this property rather than the six that the applicant is proposing. The front and rear yard setbacks that are proposed are similar to the setbacks for the R-D (Single-family Residential-Restricted) District. The side yard setback is only five feet. This setback is typically reserved for the R-1 (Single-family Residential) and higher density districts.

Per Title 19.06.040 for the R-PD (Residential Planned Development) District the minimum site area that is eligible for rezoning to the R-PD (Residential Planned Development) zoning district is five acres. Any additional tract which contains less than the minimum site area, but which is contiguous to property previously zoned R-PD (Residential Planned Development), may also be zoned R-PD (Residential Planned Development) by the City Council if it otherwise qualifies for the R-PD (Residential Planned Development) zoning designation. Both such properties must be

owned by or be under the control of the same property owner. The adjacent parcels are zoned R-E (Residence Estates). The site does not meet the intent of the R-PD (Residential Planned Development) District as defined in Title 19.06.

The proposed development would have six lots and would not require open space. The applicant is providing the required six-foot wide streetscape along both Jones Boulevard and Jo Marcy Drive. The site is located in a Rural Preservation Overlay District (RPOD), this allows a maximum of two dwelling units per acre. This proposed development as a density of 1.68 units per acre and is in compliance with the requirements of the RPOD.

The homes are single and two-story homes. These homes range in size from 3,300 to 4,800 square feet and typically feature three-car garages. Design and color schemes are typical of development in this area.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with the surrounding area. The development proposes six lots where adjacent lot sizes would indicate three lots would be typical of this area. The site gains access from a cul-de-sac from Jo Marcy Drive. Adjacent development takes access directly from the main street rather than a cul-de-sac. The setbacks that are proposed in the side yards reflect what is typical of higher density development. Due to the incompatibility with the surrounding area, denial of this request is recommended.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with Title 19. The project requires a Variance (VAR-17253) to allow a Residential Planned Development on less than five acres. Additionally, the project does not meet the intent of the Residential Planned Development District as defined in Title 19.06.040. Due to these deviations from Title 19, denial of this request is recommended.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The site gains access via a cul-de-sac from Jo Marcy Drive. The addition of six lots will cause an increase in traffic on this portion of Jo Marcy Drive.

4. Building and landscape materials are appropriate for the area and for the City;

Building and landscape materials are appropriate for the area and the City of Las Vegas.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

Elevations and design characteristics are not unsightly or obnoxious and will be harmonious and compatible with development in the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development will not compromise the public health or the general welfare.

PLANNING COMMISSION ACTION

Two conditions regarding height and landscaping were added by the Planning Commission.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

6

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 155 by Planning Department

APPROVALS 0

PROTESTS 0